

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROY OWENS
Plaintiff

CIVIL ACTION

NO. _____

VS

ANDREW STOCKWELL-ALPERT,
and et al

Defendants

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05 - 11753 DP

Referred to MT Let T Serokin

COMPLAINT

PROFESSIONAL NEGLIGENCE RELATING TO MALPRACTICE OF LAW, in
that the Defendants fail to act competently and zealously in representing Plaintiffs

PARTIES

1. The Plaintiffs in this case is Roy Owens and he is represented as Pro, Se.
2. The Plaintiffs resides at 6 Woodville Street in Roxbury, Ma 02119, in Suffolk County.
3. The defendants in this case is Att. Andrew Stockwell-Alpert.
4. The Defendants place of business or address is located at 10 Tremont St. in Boston, Mass. 02108, in Suffolk County.

JURISDICTION

5. This case is bought under Chapter 93A §1 & 2, Chapter 12 § 111, Title 42 Sections 1981, 1983 1985(3) 1986. and Supreme Judicial court rule 3:07, Canon Six, DR 6-101(A(3); AND Canon Seven, DR 7-101(A)(1), (2) AND (3).

(A) C.A.7 (Ill.) 1995. Judges have duty to protect the public from lawyers who are unable or unwilling to defend them in litigation. Matter of Maurice, 69. F.3d 830.

(B). C.A.1 (Puerto Rico) 1993. Pursuant to his abiding obligation to take or initiate appropriate disciplinary measures against lawyer for unprofessional conduct of which judge became aware circuit judge directed district judge to review record and conduct of plaintiffs counsel in Federal Tort Claims Act (FTCA) action and to take or initiate such disciplinary action, if any as was proper;

where motion for relief from judgment was filed 16 months after district court dismissed action.

Fed.Rules Civ..Pro. Rule 60(b)I 28 U.S.C.A. ABA Code of jud. Conduct, Canon 3 subd. D(2) 29 U.S.C.A. § 2671-2680 Cotto v. U.S. 993 F. 2d. 274.

6. The statute of limitation should not be an issue consequent upon the composition of the M.G.L.c. 259 Section 1 and No. 4 entitled: "Actions requiring commencement within twenty years." Controlling precedents would in terms of malpractice would be Irving Fisherman v. Larimore S. Brooks, 487 N.E. 1377, 396 Mass. 643 (S.Ct. 1986), Mcclan v. Fuller, 226 Mass. 374, 377-378 (1917), Rodriguez, v Horton, 95 N.M. 356, 360 (Ct. App. 1980), et cera.

FACTS

7. The defendant shammed ignorance of the bases for the legal measure entrusted with him and the urgency! The property of the Plaintiff was boarded up, not on the basis of abandonment.

8. It was triggered of by the conspiratorial agreement between the City of Boston and The Covenant Church to build a school on the site.

9. On or about March 11, 1985, Plaintiffs retained Att. Stockwell-Alpert to draft an amended complaint in connection with a matter that plaintiffs had been handling on a pro se basis.

Defendant was give a retainer fee, a check for \$300.dollars. The attorney filed a notice of appearance and motion to extend time for filing amended complaint, which motion was granted by the court on 03/11/1985.

10. On or about March 11, 1985 Plaintiffs deliver all necessary documents requested by defendants to file said complaint.

11. Attorney Stockwell-Alpert, did not file the amended complaint until March of 5, 1992.

12. The case was dismissed on 05/07/1993 for failure to amend the complaint within the time prescribed by the court in 1985.

13. During the period from March 11, 1985 forward, Attorney Stockwell-Alpert moved his office several times, however, Plaintiffs never received notice of same. Plaintiffs always had to go and find him.

14 Plaintiff's spent years searching court documents trying to find the Defendant's name and address, after finding the defendant at his office on 92 State Street. He cursed Plaintiff's out , made racial slurs toward Plaintiff and his race and told him never to return to office.

15. Defendant never sent Plaintiffs a letter advising Plaintiff's the case was dismissed, even though he had the address and telephone number given to him several times.

16. Attorney Stockwell-Alpert Failed to take any action on Plaintiff case for several (7) years and then, it was too late.

17. In July of 1995, after numerous tries, years of pleading and begging Defendant to turn over the personal file of Plaintiff's to them, to no avail, Plaintiffs turn to The Boston Housing Court, who, sent him to Boston City Hall.

18. Councillor Saunders office help Plaintiffs locate Defendants and draft a letter to the Defendants stating if he did return plaintiffs personal files he would be sued and etc.

19. Plaintiffs sought to reopen the case in The Boston Housing Court and was told the only way he could get the case reopen was should first get a ruling from The Office of The Bar of The Board of Overseer.

20. In late 1997 Office of the Bar Counsel found Attorney Stockwell-Alpert guilty of professional misconduct in violation of Supreme Judicial Court Rule 3:07, Canon Six, DR 6-101(A)(3); and Canon Seven, DR 7-101(A),(2) AND (3).

COUNTS

21. COUNT ONE, Defendant only perceived the plaintiff as a cash-cow and in violation of the M.G.L. c. 93 Section 101 entitled: "Waiver of Certain Consumer Rights Prohibited" as well as the M.G. L. c. 93A.

22. COUNT TWO, Plaintiffs were in dire need of expeditious legal services, and Defendants took unconscionable advantages of the Plaintiff's, provided no professional service and afterward stating he had no case causing irreparable harm according to the BBO he is guilty of professional misconduct. S.J.C Rule 3:07 .

23. COUNT THREE, Defendant's caused, plaintiffs worries, loose time and wages from job looking for his whereabouts, guilty of professional misconduct in violation of Supreme Judicial Court Rule 3:07

24. COUNT FOUR, as a result of the defendant shammed ignorance of the bases for the measured entrusted with and the urgency, the Plaintiffs property was boarded up, there was loss revenue which also affected other income, Culminated in to violation of Title 42 Section 1981,

1983, 1985(3) and 1986, just to mention a few.

25. COUNT FIVE, as a result of Defendant's lack of zealous representation The City of Boston destroyed and attach and Plaintiff's other properties and forced him to give them up for tax purposes.

26. COUNT SIX, Defendants took Plaintiffs money with no intention of performing any service what so ever and made discrimination remark, toward Plaintiffs and his race with out merit, when press for representation.

27. COUNT SEVEN, Defendants refused to represent Plaintiffs zealously, against the City of Boston for slander, and claiming he had never received any money from Plaintiff;s and slander the Plaintiffs causing Plaintiff's great frustration and pain.

28. COUNT EIGHT, Defendant's refuse to give up the case to other professional attorneys, who made the request on Mr. Owens behalf.

29. COUNT NINE, the Defendants claimed he could not do the job because he could not contact the Plaintiffs.

30. COUNT TEN, from the time the Plaintiff's found the Defendant in 1992 until he was forced to give up the case he tried to get the Plaintiff to drop their case, through intimidation by phone, in person, delay, mail and moving without notice.

31. COUNT ELEVEN, Defendant moved several times, without ever notifying Plaintiffs of change of address or telephone, and when found always became abusive.

32. COUNT TWELVE, the City of Boston destroyed Plaintiffs property causing approximately 100.000 dollars in damage.

33. COUNT THIRTEEN, a hearing was held on December 12, 1984, Judge king presiding. On or about February 14, 1985, the Court issued Finding of Fact, Conclusions of Law and Order Relative to Motion for Preliminary Injunction, a copy of which is annexed as.

34. COUNT FOURTEEN, all Defendant had to do was to file a brief covering pain and suffering, damages, loss of income from two-employment and etc.,.

35. COUNT FIFTEEN, Instead he did nothing several years. Evidently, he allowed negligence and inertia to prevail, in violation of Supreme Judicial Court Rule 3:07,

36. COUNT SIXTEEN, every one agrees the Plaintiff's should be paid including the Defendant's

37. COUNT SEVENTEEN Defendant intentionally violated Plaintiff civil right's by holding onto plaintiff case for years, without notify him that he had tried to reopen plaintiff case and was denied by the court. The defendant allowed the statute of limitation has expired, to prevent plaintiff from suing him.

38. COUNT EIGHTEEN Defendant, Andrew Stockwell - Alpert conspired together with The City of Boston to deny plaintiff of his legal and civil right's.

ARGUMENT

39. Legal malpractice actions in the Commonwealth of Massachusetts should not be deemed as a virgin legal doctrine at the invocation of the plaintiffs. The statute of limitation should not be an issue consequent upon the composition of the M.G.L.c. 259 Section 1 and No. 4 entitled: "Actions requiring commencement within twenty years." Controlling precedents would in terms of malpractice would be Irving Fisherman v. Larimore S. Brooks, 487 N.E. 1377, 396 Mass. 643 (S.Ct. 1986), Mcclan v. Fuller, 226 Mass. 374, 377-378 (1917), Rodriguez, v Horton, 95 N.M. 356, 360 (Ct. App. 1980), et cera.

40. Defendant was paid in advance to preform a job he did not do.

41. If the Defendant felt he could not competently represent the Plaintiffs he should have resigned.

42. If the Defendant did not have the material to do the job he should have notify the Plaintiff or requested time from the court.

43. The Defendant and the City of Boston Slandered the Plaintiff's character, with out merit.

44. The Defendant moved several times without notifying Plaintiff or court.

45. The defendant endlessly found consolation in saying that he need more facts, though the fact were superlatively and superfloursly state to duly satisfaction of the examining Judge-King Succinctly, the Defendant was eccentric professionally..

46. (JUDGE KING FOUND THE CITY OF BOSTON LIABLE AND THE DEFENDANTS FAILS TO COMPETENTLY REPRESENT PLAINTIFFS INTEREST ZEALOUSLY, THEREFORE THE OFFICE OF THE BAR COUNSEL OF OVERSEERS HAS FOUND HIM LIABLE FOR HIS ACTION, in violation of Supreme Judicial Court Rule 3:07, Canon Six, DR 6-101(A)(3); and Canon Seven, DR 7-101(A),(2) AND (3). However in

order to collect damages this matter is now been bought before a judge and jury.

47. The Defendant's also recognized he was wrong and have offered to settle this case, however the detail of figuring out the cost, the damage, the pain and suffering, the neglect, the abuse and the denial of justice by the defendant's has become a dividing point, between the Defendant's and his insurance company as to how much to pay the Plaintiff's. Plaintiff's are confident the court and the jury will be able to settle matter expeditiously (Exhibit U).

CONCLUSION

PLAINTIFFS HAD SOUGHT TO SETTLE THIS DISPUTE OUT OF COURT, HOWEVER, THE DEFENDANT'S OFFER OF \$300 DOLLARS, FOR A CASE WORTH HUNDRED OF THOUSAND IF NOT MILLIONS, WAS NOT A SINCERE OFFER, WHEREFORE, PLAINTIFFS DEMAND JUDGMENT AGAINST DEFENDANT ANDREW STOCKWELL-ALPERT FOR MONEY AND DAMAGES, COSTS AND INTEREST.

48. Plaintiff's seeks monetary relief from the Defendants in the amount of \$1 million dollars, failure to represent plaintiff zealously, excluding legal costs and interest.

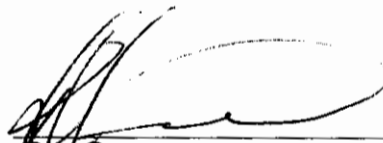
49. Plaintiff's seeks monetary relief from the Defendants in the amount of \$1 million dollars for pain and suffering.

50. Plaintiff's seeks monetary relief from the Defendants in the amount of \$1 million dollars for damage to property lost of income and interest.

51. Plaintiff's seeks monetary relief from the Defendants in the amount of \$1 million dollars for slander and attempting to prevent Plaintiff's from pursuing case.

52. Plaintiff's seeks monetary relief from the Defendants in the amount of \$1 million dollars for take Plaintiff's money with any intent to perform said services.

very truly yours,



Roy Owens, pro se.
6 Woodville Street
Boston Ma, 02119
Tel 541-4335

DATE: 08/19/2005

CC: ATT. MALANNA G. CLINE, BBO 086860
For: Andrew Stockwell-Alpert
300 Market St. / Brighton Ma, 02135
Telephone 617 783-5997

and were served by hand to the (PRO SE CLERK OF COURT- CIVIL ACTION / UNITED STATES DISTRICT COURT CLERK'S OFFICE/ SUITE 2300 / UNITED STATES COURTHOUSE / 1 COURTHOUSE WAY / BOSTON, MASs. 02210.

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Roy Owens

DEFENDANTS

05-11753-DPW

(b) County of Residence of First Listed Plaintiff Suffolk
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Andrew Steckwell-Alpert
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

prose

Attorneys (If Known)

Malanna G. Chive
300 Market St
Brylston Ma 02135

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input checked="" type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property					

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

Attorney Negligence related to Malpractice

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Roy OWENS VS
Andrew Stockwell - Appeal

2. Category in which the case belongs based upon the numbered court or suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

05-1175

- ☐ I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,
380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660,
690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
YES ☒ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?
Eastern Division ☐ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
YES ☐ NO ☒

(PLEASE TYPE OR PRINT)
ATTORNEY'S NAME _____
ADDRESS _____
TELEPHONE NO. _____